## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:21-CR-00324-1-M

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	ORDER
<b>v.</b>	• )	CRIDER
DOMINIQUE BERT CARMICHAEL,	)	
Defendant.	)	

This matter comes before the court on the Defendant's notice [DE 43] and the Government's notice [DE 45]. Defense counsel requests the court order Dr. Hans Stelmach to conduct a competency evaluation of the Defendant at New Hanover County Detention Facility. The Government objects because Dr. Stelmach was retained by the Defendant to provide psychiatric services earlier in the case. Therefore, the Government requests an independent psychiatrist or psychologist to conduct the evaluation at a Bureau of Prisons (BOP) facility.

The court agrees with the Government. Pursuant to this court's June 2, 2023 order [DE 42], a psychiatric or psychological examination of the Defendant shall be conducted, and that report filed with the court pursuant to 18 U.S.C. §§ 4247(b) and (c). 18 U.S.C. § 4241(b). The examination shall be conducted by a licensed or certified psychiatrist or psychologist other than Dr. Stelmach. The Defendant is ORDERED committed "to be examined for a reasonable period, but not to exceed thirty days . . . to the custody of the Attorney General for placement in a suitable facility." *Id.* § 4247(b). "Unless impracticable, the psychiatric or psychological examination shall

be conducted in the suitable [BOP] facility closest to the court." See id.

SO ORDERED this 12 day of June, 2023.

RÍCHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE